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OFFICE OF THE COMMISSIONER OF FOOD SAFETY

ORDER

30th March 2026

No. FSC/22/2012/77(15B)—WHEREAS, Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 made by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of Sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits article of food in which tobacco and nicotine are used as ingredients as they are injurious to health;

AND WHEREAS, Hon'ble Apex Court in the matter Transfer Case (Civil) No: 1/2010 in its order dated: 23.09.2016 directed the Secretaries of the Health Department of all the states to ensure total compliance of ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine.

AND WHEREAS, Gutkha and Pan Masala are article of food in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha and Pan Masala containing tobacco and nicotine in the State of Bihar, being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, The Commissioner of Food Safety of the State is empowered under Section 30 (2) (a) of the Food Safety and Standards Act, 2006 to prohibit for one year, in the

interest of public health, the manufacture, storage, distribution, transportation, display or sale of any article of food in the whole of State.

AND WHEREAS, it is one of the primary duties of the State, inter alia, to improve public health, as a matter one of the directive principles as enshrined in the article 47 of the Constitution of India and, whereas, it implicitly includes the concept of provision of measures of citizens' health;

THEREFORE, I, Lokesh Kumar Singh, Commissioner of Food Safety, Government of Bihar, in exercise of the powers conferred by clause (a) of sub-section (2) of section 30 of the Food Safety and Standards Act, 2006 (34 of 2006), prohibit in the interest of public health for a period of one year from date- **30.03.2026**, the manufacture, storage, distribution, transportation, display or sale of any type of Gutkha and Pan Masala containing tobacco and/or nicotine, whether packaged or unpackaged in whole of the State of Bihar.

By Order,
LOKESH KUMAR SINGH,
Commissioner of Food Safety.

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